

House File 419 - Introduced

HOUSE FILE _____
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PETERSEN, and WESSEL=KROESCHELL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulation of child care by the department of
2 human services by providing for licensing of child development
3 homes, establishing a regulatory fee and appropriating the fee
4 proceeds, making penalties applicable, and providing effective
5 dates.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2041YH 83
8 jp/nh/24

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1 1 DIVISION I
1 2 REGULATORY FEE
1 3 Section 1. NEW SECTION. 237A.4A CHILD CARE REGULATORY
1 4 FEE == CHILD DEVELOPMENT HOME FUND.
1 5 1. The department shall implement a regulatory fee for
1 6 registration or licensure of child care facilities. The fee
1 7 requirements shall provide for tiered amounts based upon a
1 8 child care facility's capacity and a child development home's
1 9 registration category. However, the regulatory fee for child
1 10 development homes shall not exceed one hundred dollars. The
1 11 department shall adopt rules for implementation of the fee.
1 12 2. Regulatory fees collected shall augment existing
1 13 funding for regulation of child care facilities in order to
1 14 phase in annual inspections of child development homes and
1 15 improve inspections of child care centers. The department
1 16 shall not supplant existing funding for regulation of child
1 17 care with funding derived from the regulatory fee. The
1 18 department shall seek to meet the following target percentages
1 19 of the total number of child development homes in the state
1 20 inspected annually in phasing in the annual inspection of all
1 21 child development homes:
1 22 a. For the fiscal year beginning July 1, 2009, twenty
1 23 percent.
1 24 b. For the fiscal year beginning July 1, 2010, forty
1 25 percent.
1 26 c. For the fiscal year beginning July 1, 2011, sixty
1 27 percent.
1 28 d. For the fiscal year beginning July 1, 2012, eighty
1 29 percent.
1 30 e. For the fiscal year beginning July 1, 2013, and
1 31 succeeding fiscal years, one hundred percent.
1 32 3. The target time frame for the department's issuance of
1 33 the report concerning an inspection or other regulatory visit
1 34 to a child care facility is sixty calendar days.
1 35 4. A child care facility fund is created in the state
2 1 treasury under the authority of the department. Regulatory
2 2 fees collected under subsection 1 shall be credited to the
2 3 fund. Moneys credited to the fund shall not revert to any
2 4 other fund and are not subject to transfer except as
2 5 specifically provided by law. Notwithstanding section 12C.7,
2 6 subsection 2, interest or earnings on moneys deposited in the
2 7 fund shall be credited to the fund. Moneys in the fund are
2 8 annually appropriated to the department to be used for
2 9 staffing dedicated to monitoring and regulation of child care
2 10 facilities, contracting, and other expenses for inspection and
2 11 regulation of child care facilities.
2 12 Sec. 2. IMPLEMENTATION. The department of human services
2 13 shall adopt administrative rules to begin implementation of

2 14 the regulatory fee authorized to be imposed by this division
2 15 on or after January 1, 2010.

2 16 DIVISION II

2 17 CHILD DEVELOPMENT HOME LICENSING

2 18 Sec. 3. Section 237A.1, subsections 4 and 5, Code 2009,
2 19 are amended to read as follows:

2 20 4. "Child care center" or "center" means a facility
2 21 providing child care or preschool services for seven or more
2 22 children, except when the facility is ~~registered~~ licensed as a
2 23 child development home.

2 24 5. "Child care facility" or "facility" means a child care
2 25 center, preschool, or ~~a registered~~ child development home.

2 26 Sec. 4. Section 237A.1, subsection 6, Code 2009, is
2 27 amended by striking the subsection.

2 28 Sec. 5. Section 237A.1, subsections 7 and 11, Code 2009
2 29 are amended to read as follows:

2 30 7. "Child development home" means a person or program
2 31 ~~registered~~ licensed under section 237A.3A that may provide
2 32 child care to ~~six~~ one or more children at any one time.

2 33 11. "Involvement with child care" means licensed ~~or~~
2 34 ~~registered~~ under this chapter, employed in a child care
2 35 facility, residing in a child care facility, receiving public
3 1 funding for providing child care, or ~~providing child care as a~~
3 2 ~~child care home provider, or residing in a with a person~~
3 3 ~~receiving public funding for providing~~ child care ~~home~~.

3 4 Sec. 6. Section 237A.1, Code 2009, is amended by adding
3 5 the following new subsection:

3 6 NEW SUBSECTION. 14A. "Relative" means an adult person who
3 7 is, or was at any time, one of the following relatives of a
3 8 child, by means of blood relationship, marriage, or adoption,
3 9 or is a spouse of one of the following relatives:

- 3 10 a. Grandparent.
- 3 11 b. Great-grandparent.
- 3 12 c. Great-great-grandparent.
- 3 13 d. Stepparent, but not the parent of the stepparent.
- 3 14 e. Sibling.
- 3 15 f. Stepsibling.
- 3 16 g. Sibling by at least the half blood.
- 3 17 h. Uncle or aunt by at least the half blood.
- 3 18 i. Great-uncle or great-aunt.
- 3 19 j. Great-great-uncle or great-great-aunt.
- 3 20 k. First cousin.
- 3 21 l. Nephew or niece.
- 3 22 m. Second cousin.

3 23 Sec. 7. Section 237A.3A, subsections 1, 2, and 3, Code
3 24 2009, are amended to read as follows:

3 25 1. REGISTRATION LICENSURE.

3 26 a. A person shall not establish or operate a child
3 27 development home unless the person obtains a ~~certificate of~~
3 28 ~~registration license~~. ~~However, a relative who provides child~~
3 29 ~~care to only related children or a person providing child care~~
3 30 ~~to only children from a single unrelated family is not~~
3 31 ~~required to obtain a license under this section.~~

3 32 b. The department shall issue a ~~certificate of~~
3 33 ~~registration license~~ upon receipt of a statement from the
3 34 ~~person or upon~~ completion of an inspection conducted by the
3 35 department or a designee of the department verifying that the
4 1 person complies with applicable rules adopted by the
4 2 department pursuant to this section and section 237A.12.

4 3 ~~b. c.~~ The ~~certificate of registration license~~ shall be
4 4 posted in a conspicuous place in the child development home
4 5 and shall state the name of the ~~registrant licensee~~, the
4 6 ~~registration licensure~~ category of the child development home,
4 7 the maximum number of children who may be present for child
4 8 care at any one time, and the address of the child development
4 9 home. In addition, the ~~certificate license~~ shall include a
4 10 checklist of ~~registration licensure~~ compliances.

4 11 ~~c. d.~~ The ~~registration licensure~~ process for a child
4 12 development home shall be repeated every twenty-four months as
4 13 provided by rule.

4 14 ~~d. e.~~ A person who holds a child foster care license under
4 15 chapter 237 shall ~~register~~ be licensed as a child development
4 16 home provider in order to provide child care.

4 17 2. REVOCATION OR DENIAL OF REGISTRATION LICENSE. If the
4 18 department has denied or revoked a ~~certificate of registration~~
4 19 ~~license~~ because a person has continually or repeatedly failed
4 20 to operate a ~~registered or~~ licensed child care facility in
4 21 compliance with this chapter and rules adopted pursuant to
4 22 this chapter, the person shall not operate or establish a
4 23 ~~registered~~ child development home for a period of twelve
4 24 months from the date the ~~registration or~~ license was denied or

4 25 revoked. The department shall not act on an application for
4 26 ~~registration licensure~~ submitted by the person during the
4 27 twelve-month period. The applicant or person shall be
4 28 prohibited from involvement with child care unless the
4 29 involvement is specifically permitted by the department.

4 30 3. RULES.

4 31 a. Three categories of standards shall be applicable to
4 32 child development homes. The initial designations of the
4 33 categories, which may be revised by the department, shall be
4 34 "A", "B", and "C", as ranked from less stringent standards and
4 35 capacity to more stringent standards and capacity. The "C"
5 1 ~~registration licensure~~ category standards shall require the
5 2 highest level of provider qualifications and allow the
5 3 greatest capacity of the three categories. The department of
5 4 human services, in consultation with the Iowa department of
5 5 public health, shall adopt rules applying standards to each
5 6 category specifying provider qualifications and training,
5 7 health and safety requirements, capacity, amount of space
5 8 available per child, and other minimum requirements. The
5 9 capacity requirements shall take into consideration the
5 10 provider's own children, children who have a mild illness,
5 11 children receiving part-time child care, and children served
5 12 as a sibling group in overnight care.

5 13 b. The rules shall allow a child development home to be
5 14 ~~registered licensed~~ in a particular category for which the
5 15 provider is qualified even though the amount of space required
5 16 to be available for the maximum number of children authorized
5 17 for that category exceeds the actual amount of space available
5 18 in that home. However, the total number of children
5 19 authorized for the child development home at that category of
5 20 ~~registration licensure~~ shall be limited by the amount of space
5 21 available per child.

5 22 c. In consultation with the state fire marshal, the
5 23 department shall adopt rules relating to the provision of fire
5 24 extinguishers, smoke detectors, and two exits accessible to
5 25 children in a child development home.

5 26 d. The rules shall require a child development home to be
5 27 located in a single-family residence that is owned, rented, or
5 28 leased by the person or, for dual ~~registrations licensees~~, at
5 29 least one of the persons who is named on the child development
5 30 home's ~~certificate of registration license~~. For purposes of
5 31 this paragraph, a "single-family residence" includes an
5 32 apartment, condominium, townhouse, or other individual unit
5 33 within a multiple unit residential dwelling, but does not
5 34 include a commercial or industrial building that is primarily
5 35 used for purposes other than a residence.

6 1 Sec. 8. Section 237A.4, Code 2009, is amended to read as
6 2 follows:

6 3 237A.4 INSPECTION AND EVALUATION.

6 4 1. The department shall make periodic inspections of
6 5 licensed centers to ensure compliance with licensing
6 6 requirements provided in this chapter, and the local boards of
6 7 health may make periodic inspections of licensed centers to
6 8 ensure compliance with health-related licensing requirements
6 9 provided in this chapter. The department may inspect records
6 10 maintained by a licensed center and may inquire into matters
6 11 concerning these centers and the persons in charge. The
6 12 department shall require that the center be inspected by the
6 13 state fire marshal or a designee for compliance with rules
6 14 relating to fire safety before a license is granted or
6 15 renewed.

6 16 2. The department or a designee may periodically visit
6 17 ~~registered licensed~~ child development homes for the purpose of
6 18 evaluation of an inquiry into matters concerning compliance
6 19 with rules adopted under section 237A.12. Evaluation of child
6 20 development homes under this section may include ~~consultative~~
6 21 ~~consulting~~ services provided pursuant to section 237A.6.

6 22 Sec. 9. Section 237A.5, subsection 1, Code 2009, is
6 23 amended to read as follows:

6 24 1. All personnel in licensed ~~or registered child care~~
6 25 facilities shall have good health as evidenced by a report
6 26 following a preemployment physical examination taken within
6 27 six months prior to beginning employment ~~or providing child~~
6 28 ~~care as a child development home licensee~~. The examination
6 29 shall include communicable disease tests by a licensed
6 30 physician as defined in section 135C.1 and shall be repeated
6 31 every three years after initial employment ~~or licensure, as~~
6 32 ~~applicable~~. Controlled medical conditions which would not
6 33 affect the performance of the employee ~~or licensee~~ in the
6 34 capacity employed shall not prohibit employment ~~or licensure~~.

6 35 Sec. 10. Section 237A.5, subsection 2, paragraph a,

7 1 subparagraph (1), subparagraph divisions (a) and (e), Code
7 2 2009, are amended to read as follows:

7 3 (a) The person is being considered for licensure ~~or~~
7 4 ~~registration or is registered or licensed under this chapter.~~

7 5 (e) The person will reside or resides ~~in~~ with a child care
7 6 ~~home that provider who is not registered subject to licensure~~
7 7 ~~under this chapter but that receives public funding for~~
7 8 ~~providing child care.~~

7 9 Sec. 11. Section 237A.5, subsection 2, paragraph a,
7 10 subparagraph (3), subparagraph division (e), Code 2009, is
7 11 amended to read as follows:

7 12 (e) The department has revoked a person's child care
7 13 ~~facility registration or~~ license due to the person's continued
7 14 or repeated failure to operate the child care facility in
7 15 compliance with this chapter and rules adopted pursuant to
7 16 this chapter.

7 17 Sec. 12. Section 237A.5, subsection 2, paragraph b, Code
7 18 2009, is amended to read as follows:

7 19 b. If an individual person subject to a record check is
7 20 being considered for employment by a child care facility ~~or~~
7 21 ~~child care home~~, in lieu of requesting a record check to be
7 22 conducted by the department under paragraph "c", the child
7 23 care facility ~~or child care home~~ may access the single contact
7 24 repository established pursuant to section 135C.33 as
7 25 necessary to conduct a criminal and child abuse record check
7 26 of the individual. A copy of the results of the record check
7 27 conducted through the single contact repository shall also be
7 28 provided to the department. If the record check indicates the
7 29 individual is a person subject to an evaluation, the child
7 30 care facility ~~or child care home~~ may request that the
7 31 department perform an evaluation as provided in this
7 32 subsection. Otherwise, the individual shall not be employed
7 33 by the child care facility ~~or child care home~~.

7 34 Sec. 13. Section 237A.5, subsection 2, paragraph c,
7 35 unnumbered paragraph 2, Code 2009, is amended to read as
8 1 follows:

8 2 Prior to performing an evaluation, the department shall
8 3 notify the affected person, licensee, ~~registrant,~~ or ~~child~~
8 4 ~~care home person~~ applying for or receiving public funding for
8 5 providing child care, that an evaluation will be conducted to
8 6 determine whether prohibition of the person's involvement with
8 7 child care is warranted.

8 8 Sec. 14. Section 237A.5, subsection 2, paragraph f,
8 9 subparagraph (2), Code 2009, is amended to read as follows:

8 10 (2) If, within five years prior to the date of application
8 11 for ~~registration or~~ licensure under this chapter, for
8 12 employment or residence in a child care facility ~~or child care~~
8 13 ~~home~~, or for receipt of public funding for providing child
8 14 care, a person subject to an evaluation has been convicted of
8 15 a controlled substance offense under chapter 124 or has been
8 16 found to have committed physical abuse, the person shall be
8 17 prohibited from involvement with child care for a period of
8 18 five years from the date of conviction or founded abuse.
8 19 After the five-year prohibition period, the person may submit
8 20 an application for ~~registration or~~ licensure under this
8 21 chapter, or to receive public funding for providing child care
8 22 or may request an evaluation, and the department shall perform
8 23 an evaluation and, based upon the criteria in paragraph "e",
8 24 shall determine whether prohibition of the person's
8 25 involvement with child care continues to be warranted.

8 26 Sec. 15. Section 237A.5, subsection 2, paragraph h, Code
8 27 2009, is amended to read as follows:

8 28 h. If it has been determined that a child receiving child
8 29 care from a child care facility or ~~from a child care home~~
8 30 ~~person who receives public funding for providing child care is~~
8 31 the victim of founded child abuse committed by an employee,
8 32 license or registration holder, ~~child care home provider~~
8 33 ~~person who receives public funding for providing child care or~~
8 34 ~~an individual residing with that person, or resident of the~~

8 35 child care facility ~~or child care home~~ for which a report is
9 1 placed in the central registry pursuant to section 232.71D,
9 2 the administrator shall provide notification at the time of
9 3 the determination to the parents, guardians, and custodians of
9 4 children receiving care from the child care facility or ~~child~~
9 5 ~~care home person who receives public funding for providing~~
9 6 ~~child care.~~ A notification made under this paragraph shall
9 7 identify the type of abuse but shall not identify the victim
9 8 or perpetrator or circumstances of the founded abuse.

9 9 Sec. 16. Section 237A.5, subsections 3 and 4, Code 2009,
9 10 are amended to read as follows:

9 11 3. ~~On or after July 1, 1994, a A licensee or registrant~~

9 12 shall inform all new applicants for employment of the
9 13 possibility of the performance of a record check and shall
9 14 obtain, from the applicant, a signed acknowledgment of the
9 15 receipt of the information.

9 16 4. ~~On or after July 1, 1994, a~~ A licensee or registrant
9 17 shall include the following inquiry in an application for
9 18 employment: "Do you have a record of founded child or
9 19 dependent adult abuse or have you ever been convicted of a
9 20 crime, in this state or any other state?"

9 21 Sec. 17. Section 237A.6, Code 2009, is amended to read as
9 22 follows:

9 23 237A.6 ~~CONSULTATIVE~~ CONSULTING SERVICES.

9 24 The department shall, and the director of public health
9 25 may, provide ~~consultative~~ consulting services to a person who
9 26 is applying for a license or registration, or who is licensed
9 27 or registered by the administrator under this chapter.

9 28 Sec. 18. Section 237A.8, Code 2009, is amended to read as
9 29 follows:

9 30 237A.8 VIOLATIONS == ACTIONS AGAINST LICENSE ~~OR~~

9 31 ~~REGISTRATION.~~

9 32 The administrator, after notice and opportunity for an
9 33 evidentiary hearing before the department of inspections and
9 34 appeals, may suspend or revoke a license ~~or certificate of~~
9 35 registration issued under this chapter or may reduce a license
10 1 to a provisional license if the person to whom a license or
10 2 certificate is issued violates a provision of this chapter or
10 3 if the person makes false reports regarding the operation of
10 4 the child care facility to the administrator or a designee of
10 5 the administrator. The administrator shall notify the parent,
10 6 guardian, or legal custodian of each child for whom the person
10 7 provides child care at the time of action to suspend or revoke
10 8 a license ~~or certificate of registration.~~

10 9 Sec. 19. Section 237A.12, subsection 1, unnumbered
10 10 paragraph 1, Code 2009, is amended to read as follows:

10 11 Subject to the provisions of chapter 17A, the department
10 12 shall adopt rules setting minimum standards to provide quality
10 13 child care in the operation and maintenance of child care
10 14 centers and ~~registered~~ child development homes, relating to
10 15 all of the following:

10 16 Sec. 20. Section 237A.12, subsection 1, paragraph c, Code
10 17 2009, amended to read as follows:

10 18 c. The adequacy of activity programs and food services
10 19 available to the children. The department shall not restrict
10 20 the use of or apply nutritional standards to a lunch or other
10 21 meal which is brought to the ~~center, child development home,~~
10 22 ~~or child care home~~ facility by a school-age child for the
10 23 child's consumption.

10 24 Sec. 21. Section 237A.13, subsections 2 and 3, Code 2009,
10 25 are amended to read as follows:

10 26 2. Services under the program may be provided ~~in~~ by a
10 27 licensed child care center, a child development home, the home
10 28 of a relative, the child's own home by a relative or by a
10 29 provider who is licensed under this chapter, a child care
10 30 home, or in a facility exempt from licensing or registration
10 31 under the definition of child care in section 237A.1.

10 32 3. The department shall set reimbursement rates as
10 33 authorized by appropriations enacted for payment of the
10 34 reimbursements. The department shall conduct a statewide
10 35 reimbursement rate survey to compile information on each
11 1 county and the survey shall be conducted at least every two
11 2 years. The department shall set rates in a manner so as to
11 3 provide incentives for an ~~unregistered~~ unlicensed provider to
11 4 become ~~registered~~ licensed.

11 5 Sec. 22. Section 237A.19, subsection 2, Code 2009, is
11 6 amended to read as follows:

11 7 2. ~~If registration is required under section 237A.3A, a~~ A
11 8 person who establishes, conducts, manages, or operates a child
11 9 development home without ~~registering or a license,~~ a person
11 10 who operates a child development home contrary to section
11 11 237A.5, or a person who has been prohibited by the department
11 12 from involvement with child care but continues that

11 13 involvement, commits a simple misdemeanor. Each day of
11 14 continuing violation after conviction, or notice from the
11 15 department by certified mail of the violation, is a separate
11 16 offense. A single charge alleging continuing violation may be
11 17 made in lieu of filing charges for each day of violation.

11 18 Sec. 23. Section 237A.19, subsection 3, Code 2009, is
11 19 amended by striking the subsection.

11 20 Sec. 24. Section 237A.20, Code 2009, is amended to read as
11 21 follows:

11 22 237A.20 INJUNCTION.

11 23 A person who establishes, conducts, manages, or operates a
11 24 child care center or a child development home without a
11 25 license or a child development home without a certificate of
11 26 registration, if registration is required under section
11 27 237A.3A, may be restrained by temporary or permanent
11 28 injunction. A person who has been convicted of a crime
11 29 against a person, a person with a record of founded child
11 30 abuse, or a person who has been prohibited by the department
11 31 from involvement with child care may be restrained by
11 32 temporary or permanent injunction from providing ~~unregistered,~~
11 33 ~~registered,~~ or licensed child care or from other involvement
11 34 with child care. The action may be instituted by the state, or
11 35 the county attorney, a political subdivision of the state, or
12 1 an interested person.

12 2 Sec. 25. Section 237A.21, subsection 1, Code 2009, is
12 3 amended to read as follows:

12 4 1. A state child care advisory council is established
12 5 consisting of not more than thirty-five members from urban and
12 6 rural areas across the state. The membership shall include,
12 7 but is not limited to, all of the following persons or
12 8 representatives with an interest in child care: a licensed
12 9 center provider, a ~~registered~~ child development home provider
12 10 from a county with a population of less than twenty-two
12 11 thousand, ~~an unregistered child care home provider,~~ a parent
12 12 of a child in child care, staff members of appropriate
12 13 governmental agencies, and other members as deemed necessary
12 14 by the director. The members are eligible for reimbursement
12 15 of their actual and necessary expenses while engaged in
12 16 performance of their official duties.

12 17 Sec. 26. Section 237A.21, subsection 3, paragraph a, Code
12 18 2009, is amended to read as follows:

12 19 a. Two parents of a child served by a ~~registered~~ child
12 20 development home.

12 21 Sec. 27. Section 237A.21, subsection 3, paragraph e, Code
12 22 2009, is amended by striking the paragraph.

12 23 Sec. 28. Section 237A.25, subsection 2, paragraphs b and
12 24 e, Code 2009, are amended to read as follows:

12 25 b. Information explaining important considerations a
12 26 consumer should take into account in selecting a licensed ~~or~~
12 27 ~~registered~~ child care provider.

12 28 e. An explanation of what it means for a provider to be
12 29 licensed, ~~registered,~~ or ~~unregistered or unlicensed.~~

12 30 Sec. 29. Section 237A.26, subsection 3, paragraph a, Code
12 31 2009, is amended to read as follows:

12 32 a. Organize assistance to ~~child care homes and child~~
12 33 ~~development homes~~ utilizing training levels based upon ~~the~~
12 34 ~~homes' a home's~~ degrees of experience and interest.

12 35 Sec. 30. Section 237A.26, subsection 6, paragraphs a, e,
13 1 and h, Code 2009, are amended to read as follows:

13 2 a. Assist families in selecting quality child care. The
13 3 agency must provide referrals to ~~registered and~~ licensed child
13 4 care facilities, and to persons providing care, supervision,
13 5 and guidance of a child which is not defined as child care
13 6 under section 237A.1 ~~and may provide referrals to unregistered~~
13 7 ~~providers.~~

13 8 e. Provide specialized services to employers, including
13 9 the provision of resource and referral services to employee
13 10 groups identified by the employer and the provision of
13 11 technical assistance to develop employer-supported child care
13 12 programs. The specialized services may include but are not
13 13 limited to working with employers to identify networks of
13 14 recommended ~~registered and~~ licensed child care providers for
13 15 employee groups and to implement employer-supported quality
13 16 improvement initiatives among the network providers.

13 17 h. Administer funding designated within the grant to
13 18 provide a substitute caregiver program for ~~registered~~ child
13 19 development homes to provide substitute child care in a home
13 20 when the home provider is ill, on vacation, receiving
13 21 training, or is otherwise unable to provide the care.

13 22 Sec. 31. Section 237A.26, subsection 8, Code 2009, is
13 23 amended to read as follows:

13 24 8. For purposes of improving the quality and consistency
13 25 of data collection, consultation, and other support to ~~child~~
13 26 ~~care home and~~ child development home providers, a resource and
13 27 referral services agency grantee shall coordinate and assist
13 28 with publicly and privately funded efforts administered at the
13 29 community level to provide the support. The support and
13 30 efforts addressed by a grantee may include but are not limited
13 31 to community-funded ~~child care home and~~ child development home
13 32 consultants. Community members involved with the assistance
13 33 may include but are not limited to the efforts of a community

13 34 empowerment area board under chapter 28, and of community
13 35 representatives of education, health, human services,
14 1 business, faith, and public interests.
14 2 Sec. 32. Section 237A.3, Code 2009, is repealed.
14 3 Sec. 33. FAILURE TO COMPLY. For purposes of determining
14 4 whether a person who is a licensee or license applicant has
14 5 continually or repeatedly failed to operate a child care
14 6 facility in compliance with chapter 237A, the person's failure
14 7 to operate a registered child development home prior to July
14 8 1, 2013, shall be considered to be the same as a failure to
14 9 operate a licensed child development home.
14 10 Sec. 34. EFFECTIVE DATE. This division of this Act takes
14 11 effect July 1, 2013.

14 12 DIVISION III
14 13 CONFORMING AMENDMENTS

14 14 Sec. 35. Section 28.8, subsection 7, Code 2009, is amended
14 15 to read as follows:

14 16 7. It is the intent of the general assembly that community
14 17 empowerment areas consider whether support services to prevent
14 18 the spread of infectious diseases, prevent child injuries,
14 19 develop health emergency protocols, help with medication, and
14 20 care for children with special health needs are being provided
14 21 to child care facilities ~~registered or~~ licensed under chapter
14 22 237A.

14 23 Sec. 36. Section 142D.2, subsection 13, Code 2009, is
14 24 amended to read as follows:

14 25 13. "Place of employment" means an area under the control
14 26 of an employer and includes all areas that an employee
14 27 frequents during the course of employment or volunteering,
14 28 including but not limited to work areas, private offices,
14 29 conference and meeting rooms, classrooms, auditoriums,
14 30 employee lounges and cafeterias, hallways, medical facilities,
14 31 restrooms, elevators, stairways and stairwells, and vehicles
14 32 owned, leased, or provided by the employer unless otherwise
14 33 provided under this chapter. "Place of employment" does not
14 34 include a private residence, unless the private residence is
14 35 used as a child care facility, ~~a child care home,~~ or as a
15 1 health care provider location.

15 2 Sec. 37. Section 142D.2, subsection 16, paragraphs t and
15 3 u, Code 2009, is amended to read as follows:

15 4 t. Private residences only when used as a child care
15 5 facility, ~~a child care home,~~ or health care provider location.
15 6 u. Child care facilities ~~and child care homes.~~

15 7 Sec. 38. Section 142D.4, subsection 1, Code 2009, is
15 8 amended to read as follows:

15 9 1. Private residences, unless used as a child care
15 10 facility, ~~child care home,~~ or a health care provider location.

15 11 Sec. 39. Section 232.69, subsection 1, paragraph b,
15 12 subparagraph (5), Code 2009, is amended to read as follows:

15 13 (5) An employee or operator of a licensed child care
15 14 center, ~~registered or~~ child development home, head start
15 15 program, family development and self-sufficiency grant program
15 16 under section 216A.107, or healthy opportunities for parents
15 17 to experience success==healthy families Iowa program under
15 18 section 135.106.

15 19 Sec. 40. Section 235A.15, subsection 2, paragraph c,
15 20 subparagraph (3), Code 2009, is amended to read as follows:

15 21 (3) To an administrator of a child care facility
15 22 ~~registered or~~ licensed under chapter 237A if the data concerns
15 23 a person employed or being considered for employment by or
15 24 living in the facility.

15 25 Sec. 41. Section 237.1, subsection 4, paragraph d, Code
15 26 2009, is amended to read as follows:

15 27 d. Child care furnished by a child care center, ~~or a child~~
15 28 ~~development home, or a child care home~~ as defined in section
15 29 237A.1.

15 30 Sec. 42. Section 237A.3B, Code 2009, is amended to read as
15 31 follows:

15 32 237A.3B SMOKING PROHIBITED.

15 33 Smoking, as defined in section 142D.2, shall not be
15 34 permitted in a child care facility ~~or child care home.~~

15 35 Sec. 43. Section 256C.3, subsection 3, paragraph e, Code
16 1 2009, is amended to read as follows:

16 2 e. Collaboration with participating families, early care
16 3 providers, and community partners including but not limited to
16 4 community empowerment area boards, head start programs, shared
16 5 visions and other programs provided under the auspices of the
16 6 child development coordinating council, licensed child care
16 7 centers, ~~registered and~~ child development homes, area
16 8 education agencies, child care resource and referral services
16 9 provided under section 237A.26, early childhood special

16 10 education programs, services funded by Title I of the federal
16 11 Elementary and Secondary Education Act of 1965, and family
16 12 support programs.

16 13 Sec. 44. Section 256C.3, subsection 4, paragraph b, Code
16 14 2009, is amended to read as follows:

16 15 b. Subject to implementation of chapter 28E agreements
16 16 between a school district and community-based providers of
16 17 services to four-year-old children, a four-year-old child who
16 18 is enrolled in a child care center or child development home
16 19 licensed ~~or registered~~ under chapter 237A, or in an existing
16 20 public or private preschool program, shall be eligible for
16 21 services provided by the school district's local preschool
16 22 program.

16 23 Sec. 45. EFFECTIVE DATE. This division of this Act takes
16 24 effect July 1, 2013.

16 25 EXPLANATION

16 26 This bill relates to regulation of child care by the
16 27 department of human services by providing for licensing of
16 28 child development homes, establishing a regulatory fee, and
16 29 appropriating the fee proceeds. The bill is organized into
16 30 divisions.

16 31 REGULATORY FEE. This division authorizes the department to
16 32 impose a regulatory fee on licensed child care centers and
16 33 registered child care homes, applying tiered amounts based
16 34 upon a child care facility's capacity and a child development
16 35 home category. The maximum regulatory fee for a child
17 1 development home is \$100. The purpose of the regulatory fee
17 2 is to augment existing funding for regulation of child care
17 3 facilities in order to phase in annual inspections of child
17 4 development homes and improve inspections of child care
17 5 centers. The fee proceeds are credited into a new fund which
17 6 is appropriated to the department for the regulatory costs.

17 7 The division includes implementation targets to phase in an
17 8 annual inspection of each child development home by the fiscal
17 9 year beginning July 1, 2013.

17 10 CHILD DEVELOPMENT HOME LICENSING. This division requires
17 11 licensing of child care providers.

17 12 Code section 237A.1, providing definitions, is amended to
17 13 define the term "relative" to mean an adult person who is, or
17 14 was at any time, one of a child's relatives that is listed in
17 15 the bill, by means of blood relationship, marriage, or
17 16 adoption, or is a spouse of one of the relatives listed in the
17 17 bill. The list of relatives includes siblings, grandparents,
17 18 cousins, aunts, and uncles.

17 19 Under current law in Code section 237A.3, a person or
17 20 program providing child care to five children or fewer at any
17 21 one time is a child care home provider and is not required to
17 22 register under Code section 237A.3A as a child development
17 23 home. The bill repeals Code section 237A.3 and revises the
17 24 definition of child development home to mean care provided to
17 25 one or more children. The bill provides an exemption to the
17 26 licensure requirement for a relative who provides child care
17 27 to only related children or a person providing child care to
17 28 only children from a single unrelated family.

17 29 Registration-related terminology is replaced with
17 30 licensure-related terminology throughout Code chapter 237A.

17 31 Code section 237A.5 provisions relating to criminal and
17 32 abuse record checks of child care providers are amended to
17 33 eliminate references to the term "child care home" while
17 34 maintaining requirements for persons who are not required to
17 35 register or license under Code chapter 237A but receive public
18 1 funding for providing child care or individuals who live with
18 2 such persons. Conforming amendments are included to eliminate
18 3 the term "child care home".

18 4 Code section 237A.13, relating to the state child care
18 5 assistance program, is amended to provide that care under the
18 6 program must be provided by a licensed provider unless
18 7 specifically exempt under the child care definition.

18 8 Code section 237A.19 provides for a simple misdemeanor
18 9 penalty for each day of violation of operating a child
18 10 development home without being licensed. With the bill's
18 11 change in the number of children receiving child care from a
18 12 child development home, this penalty would apply to a person
18 13 providing care to one or more children without being licensed
18 14 as a child development home provider. The penalty in Code
18 15 section 237A.19 for a person operating a child care home or
18 16 having involvement with child care when prohibited is stricken
18 17 and the involvement penalty in the stricken subsection is
18 18 moved by the bill to a different subsection.

18 19 Code section 237A.21, relating to the state child care
18 20 advisory council, is amended to remove child care home

18 21 providers from the required membership.
18 22 Existing law in Code section 237A.3A authorizes the
18 23 department to revoke or deny a child care registration for a
18 24 provider's continual failure to comply with requirements. The
18 25 bill contains an uncodified provision providing that the
18 26 provider's failure to comply with registration requirements
18 27 prior to July 1, 2013, can be used for denial of child
18 28 development home licensing.
18 29 The division takes effect July 1, 2013.
18 30 CONFORMING AMENDMENTS. This division eliminates references
18 31 to the term "child care home" and to registered child care in
18 32 various Code provisions, primarily other than Code chapter
18 33 237A.
18 34 The division takes effect July 1, 2013.
18 35 LSB 2041YH 83
19 1 jp/nh/24.1